

**Comments to the National Telecommunications and  
Information Administration and the United States Department  
of Agriculture Rural Utility Service on Rules for Broadband  
Grants and Loans**

*(As authorized by the American Recovery and Reinvestment Act of 2009)*

**Docket No. 090309298-9299-01**

April 10, 2009

Ms. Anna Gomez  
Deputy Assistant Secretary  
National Telecommunications and Information Administration  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Deputy Assistant Secretary Gomez:

EvenLink, LLC is a leading provider of wireless Internet services throughout the Central Pennsylvania region, offering customers a variety of options, customized plans and excellent technical support within our high-quality network. EvenLink, headquartered in Sunbury, Pennsylvania is a family-owned business that has over twenty employees. EvenLink has experienced tremendous growth and success in Central Pennsylvania over the last 14 years and our goal is to expand high speed wireless services to more counties, especially those in the most rural areas of Central Pennsylvania. Specifically, EvenLink would like to launch a project providing high speed broadband technology, making it obtainable to those whose needs are often not met by traditional wireless companies. We look forward to offering our expertise and community awareness that enables us to address the needs of our local residents, businesses and communities as a whole.

As funding from the American Recovery and Reinvestment Act (ARRA) of 2009 is distributed, we urge NTIA to consider the critical implications of broadband deployment for established, reputable businesses and less urbanized/rural communities, and their community government systems as a whole. With the nearly \$7 billion of funds allocated to broadband deployment through ARRA, the NTIA has a unique opportunity to transform communities by improving access to and quality of advanced communications technology and services. Through this grant opportunity, businesses such as EvenLink, in collaboration with state and local governments, schools, communities and not-for-profit sectors will benefit greatly from funding with the deployment of high-speed broadband Internet.

To successfully deploy high-speed broadband Internet to unserved and underserved communities, we do believe that there are several recommendations for NTIA to consider, with regard to:

- **Use of WiMAX Technology:** The FCC has allocated a small number of licensed and unlicensed frequencies suitable for use with WiMAX technology. One frequency that is unlicensed, affordable and potentially an option for smaller businesses in many parts of the United States remains inaccessible in Central Pennsylvania due to a restriction that it cannot be used within 150 km of an FSS (Fixed Service Satellite) Station located in Catawissa, Pennsylvania. WiMAX radio frequency interference with FSS stations remains an issue that makes it virtually impossible in areas like Pennsylvania for companies relying on affordable unlicensed frequencies to share this progressive technology.

Therefore, we urge the FCC to address and resolve those aforementioned issues regarding licensed and unlicensed availability and usage.

- More than a decade ago, licensed high power WiMAX-suitable frequencies were awarded to successful bidders at an FCC auction. Most of the winning bidders have not adhered to conditions set forth by the FCC with regard to utilizing the secured frequencies for specific applications within an allotted ten-year time frame. As a result, most of the licensed high power WiMAX-suitable frequencies remain unused across many regions while small companies, such as EvenLink, are limited to the aforementioned unlicensed frequencies. Consideration should be given to make unused frequencies available to other potential users (i.e. smaller businesses) for practical, economically viable usage.
- Providing more viable WiMAX-suitable frequencies (higher power and geographically unrestricted) would allow smaller businesses the opportunity to compete and provide marketable/affordable services to underserved areas. In essence, more viable frequencies would serve another ultimate purpose addressed through the NTIA grant opportunity by providing smaller businesses the same ability to provide high speed technology capabilities in areas where wired infrastructure might not be cost effective. In some rural and underserved areas where wired infrastructure is not available, WiMAX could give broadband access to those who were otherwise unable to obtain high speed technology.
- **Grantee Conditions:** While economic stimulus opportunities are creating avenues for new businesses and new technology, it would be favorable to support established, local businesses that have afforded communities their commitment and expertise for an established number of years. The community connections and collaborative nature of small businesses speak to a more personal approach to service and a higher establishment of standards and accountability, which may be awarded bonus points for proven collaboration and contributions within their serving areas. Therefore, funding priority should be given to small- and medium-sized businesses with established records of providing quality broadband services to suburban and rural areas. Established small- and medium-sized businesses not only have the necessary expertise to begin immediate work on extending our nation's broadband infrastructure, but also are best positioned to use Federal funds for the purposes of job creation and capital expenditures.
- **Definition of "Broadband":** We feel that "Broadband" should be defined as Internet service with sufficient bandwidth ("speed") to support bidirectional video streaming or teleconferencing. Based on current off-the-shelf technology this is approximately 5 Mbps symmetrical. Compare this with the maximum available DSL bandwidth in many areas of 3 Mbps down and 0.768 Mbps up. For categorization purposes it may be appropriate to further subdivide "broadband" into several ranges such as "low broadband" (1.5 Mbps to under 10 Mbps symmetrical), "medium broadband" (10 Mbps to less than 100 Mbps symmetrical) and "high broadband" (over 100 Mbps symmetrical). Since it is not feasible given limited funds to provide large amounts bandwidth to individual customers in

sparsely populated areas, multiple definitions can serve to define broadband across a variety of geographic population density levels. For example an urban area would define broadband using the "high broadband" bandwidth, while a rural area would use the "low broadband" definition.

- **Definition of “Underserved”:** We suggest that the classification of “underserved” be attributed to an area where one or more persons within a census block group, tract or zip code (which ever is smaller) can not receive broadband service due to availability and/or technical reasons.

On behalf of EvenLink, LLC, we greatly appreciate the NTIA allowing the public to comment on this significant process. The delivery of broadband to our nation’s underserved and rural communities is of critical importance.

Respectfully,

A handwritten signature in black ink, appearing to read 'SM', with a stylized flourish extending to the right.

Scott N. Musser  
Partner  
EvenLink, LLC

Public Comments: EvenLink, LLC